

IN THE COURT OF APPEALS OF TENNESSEE  
AT KNOXVILLE  
June 8, 2009 Session

**STATE OF TENNESSEE, EX REL., DEPARTMENT OF HUMAN  
SERVICES, SANDY NELSON, LAJUANA M. KINCAID THOMAS, ET AL.,  
v. CLAUDE L. GLASS**

**Direct Appeal from the Juvenile Court for Knox County  
No. E-2128      Hon. Timothy Irwin, Judge**

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**No. E2008-02486-COA-R3-CV - FILED JULY 28, 2009**

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The plaintiff filed his 42 U.S.C.A. § 1983 Civil Rights Violation Complaint in the Juvenile Court for Knox County. The Trial Judge, responding to a Motion by the State, dismissed the action on the grounds that the Juvenile Court did not have subject matter jurisdiction to entertain the action. Plaintiff has appealed. We affirm the Judgment of the Trial Court on the grounds the Juvenile Court did not have subject matter jurisdiction in this case.

**Tenn. R. App. P.3 Appeal as of Right; Judgment of the Juvenile Court Affirmed.**

HERSCHEL PICKENS FRANKS, P.J., delivered the opinion of the Court, in which CHARLES D. SUSANO, JR., J., and D. MICHAEL SWINEY, J., joined.

Claude L. Glass, Knoxville, Tennessee, *pro se*.

Robert E. Cooper, Jr., Attorney General and Reporter, and Warren A. Jasper, Senior Counsel, Nashville, Tennessee, for appellee, State of Tennessee, ex rel, LaJuana M. Kincaid Thomas.

**OPINION**

On March 1, 2000 the Knox County Juvenile Court adjudicated that appellant Claude Glass was the biological father of a child, AHK, and he was ordered to pay child support until the child's emancipation. The action had been brought by the State of Tennessee, Department of Human Services, *ex rel*, to establish paternity.

The matter before us arises out of a 42 U.S.C.A. § 1983 Civil Rights Violation

Complaint filed by appellant Glass *pro se* in the Juvenile Court on June 4, 2008 against the State of Tennessee Department of Human Services *ex rel.* Lajuana M. Prince Kincaid Thomas, Sandy Nelson, Authorized Representative, Knox County Juvenile Court, Child Support Division, *et al.* These parties were designated as defendants in the suit's caption but are not listed in the body of the complaint. The Complaint was filed under the same docket number as assigned to the paternity suit, and the Complaint alleged that his civil rights had been violated by the defendants, and that they had "acted with negligent and the [sic] disregard for the law and rights of the Plaintiff in the performance of their alleged capacity, duties and functions." The Complaint alleged violation of various federal and state laws by defendants.

The relief sought by appellant asked for dismissal of the matter by the Knox County Juvenile Court on the grounds that his rights were being violated and for transfer of the matter to an appropriate court, and for compensatory damages in the amount of \$3,000,000.

The Tennessee Attorney General filed a motion to dismiss the Section 1983 complaint under Tenn. R. Civ. P. 12.02 (1) and 12.02(6) and argued that the suit should be dismissed because the juvenile court lacked subject matter jurisdiction over a Section 1983 claim and under Rule 12.02(6) for failure to state a claim upon which relief could be granted because the State was immune from suit under the doctrine of sovereign immunity.

The Juvenile Court dismissed the action on grounds of lack of subject matter jurisdiction on September 17, 2008, and then entered a Final Order on October 3, 2008, dismissing all claims based on a finding that the Court lacked subject matter jurisdiction.

Plaintiff/appellant Glass raises five issues on appeal. The essence of four of the five issues stated is difficult to discern. However, appellant states the only issue this Court needs to consider here, is whether the Juvenile Court had subject matter jurisdiction to hear the U.S.C.A. §1983 claim?

This Court, in *Terry v. Tennessee Dept. Of Correction*, No. W2008-01907-COA-R3-CV, 2009 WL 1138122 (Tenn. Ct. App. Apr. 28, 2009), recently discussed the standard of review employed when the appellate court reviews a motion to dismiss for lack of subject matter jurisdiction:

A motion to dismiss for lack of subject matter jurisdiction falls under Tennessee Rule of Civil Procedure 12.02(1). The concept of subject matter jurisdiction involves a court's lawful authority to adjudicate a controversy brought before it. See *Meighan v. U.S. Sprint Communications Co.*, 924 S.W.2d 632, 639 (Tenn.1996); *Standard Sur. & Casualty Co. v. Sloan*, 180 Tenn. 220, 230, 173 S.W.2d 436, 440 (1943). Subject matter jurisdiction involves the nature of the cause of action and the relief sought, see *Landers v. Jones*, 872 S.W.2d 674, 675 (Tenn.1994), and can only be conferred on a court by constitutional or legislative act. See *Kane v. Kane*, 547 S.W.2d 559, 560 (Tenn.1977); *Computer Shoppe, Inc. v. State*, 780 S.W.2d 729, 734

(Tenn. Ct. App.1989). Since a determination of whether subject matter jurisdiction exists is a question of law, our standard of review is *de novo*, without a presumption of correctness. See *Nelson v. Wal-Mart Stores, Inc.*, 8 S.W.3d 625, 628 (Tenn.1999); *Jackson v. Tenn. Dep't of Corr.*, 240 S.W.3d 241, 243 (Tenn. Ct. App.2006) (quoting *Northland Ins. Co. v. State*, 33 S.W.3d 727, 729 (Tenn.2000)).

*Terry* at \* 1 - 2.

The issue before us is a question of law that is reviewed *de novo*. *Stein v. Davidson Hotel Co.*, 945 S.W.2d 714, 716 (Tenn.1997).

The Court of Appeals had occasion to examine whether a juvenile court had subject matter jurisdiction in *In re S.L.M.* 207 S.W.3d 288, 295 -296 (Tenn. Ct. App. 2006). The Court's recapitulation of the law in Tennessee on that issue is instructive and useful for the analysis here:

In order to acquire jurisdiction over a particular controversy, a court must have jurisdiction not only over the parties but also over the subject matter of the proceeding. *State ex rel. Whitehead v. Thompson*, No. 01A01-9511-CH-00538, 1997 WL 749465, at \*2 (Tenn. Ct. App. Dec.5, 1997). The concept of subject matter jurisdiction relates to a court's power to adjudicate a particular type of controversy. *Toms v. Toms*, 98 S.W.3d 140, 143 (Tenn.2003); *Northland Ins. Co. v. State*, 33 S.W.3d 727, 729 (Tenn.2000). A court derives its subject matter jurisdiction, either explicitly or by necessary implication, from the Constitution of Tennessee or from legislative acts. *Meighan v. U.S. Sprint Commc'ns Co.*, 924 S.W.2d 632, 639 (Tenn.1996); *Kane v. Kane*, 547 S.W.2d 559, 560 (Tenn.1977). Without subject matter jurisdiction, a court cannot enter a valid, enforceable order. *Brown v. Brown*, 198 Tenn. 600, 610, 281 S.W.2d 492, 497 (1955); *SunTrust Bank v. Johnson*, 46 S.W.3d 216, 221 (Tenn. Ct. App.2000). The existence of subject matter jurisdiction depends on the nature of the cause of action and the relief sought. *Landers v. Jones*, 872 S.W.2d 674, 675 (Tenn.1994); *First Am. Trust Co. v. Franklin-Murray Dev. Co.*, 59 S.W.3d 135, 140 (Tenn.2001). Thus, when a court's subject matter jurisdiction is challenged, the first order of business is to ascertain the nature or gravamen of the case. *Midwestern Gas Transmission Co. v. Baker*, No. M2005-00802-COA-R3-CV, 2006 WL 461042, at \*11 (Tenn. Ct. App. Feb.24, 2006) (No Tenn. R. App. P. 11 application filed). Then, it must be determined whether the Constitution of Tennessee or the General Assembly has conferred on the court the power to adjudicate cases of that sort. *Newsome v. White*, No. M2001-03014-COA-R3-CV, 2003 WL 22994288, at \*2 (Tenn. Ct. App. Dec.22, 2003) (No Tenn. R. App. P. 11 application filed); *Levy v. Bd. of Zoning Appeals*, No. M1999-00126-COA-R3-CV, 2001 WL 1141351, at \*3 (Tenn. Ct. App. Sept.27, 2001) (No Tenn. R. App. P. 11 application filed). Both determinations involve questions of law which this court reviews *de novo* without a presumption of correctness. *Northland Ins. Co. v. State*, 33 S.W.3d at 729; *Southwest Williamson County Cmty. Ass'n v. Saltsman*, 66 S.W.3d 872, 876 (Tenn. Ct.

App.2001).

Juvenile courts are courts of record with special and limited jurisdiction. *Stambaugh v. Price*, 532 S.W.2d 929, 932 (Tenn.1976); *Juvenile Court of Shelby County v. State ex rel. Humphrey*, 139 Tenn. 549, 555, 201 S. W. 771, 772 (1918). One of their purposes is to provide a simple and efficient judicial mechanism to protect the rights of children in a uniform manner throughout the state. Tenn. Code Ann. § 37-1-101(a)(4), -101(b) (2005); *In re McCloud*, No. 01A01-9212-CV-00504, 1993 WL 194041, at \*6 (Tenn. Ct. App. June 9, 1993) (No Tenn. R. App. P. 11 application filed). Because juvenile courts were unknown at common law, they may exercise only those powers that have been conferred on them by statute. *State ex rel. Hyatt v. Bomar*, 210 Tenn. 249, 252-53, 358 S.W.2d 295, 296 (1962); *West Tenn. Agape, Inc. v. Lipe*, 515 S.W.2d 648, 649 (Tenn. Ct. App.1974). However, within their statutory jurisdiction, juvenile courts possess the full power to act. *Cartwright v. Juvenile Court*, 172 Tenn. 626, 629, 113 S.W.2d 754, 756 (1938); *White v. State ex rel. Armstrong*, No. M1999-00713-COA-R3-CV, 2001 WL 134601, at \*2 (Tenn. Ct. App. Feb.16, 2001) (No Tenn. R. App. P. 11 application filed).

*In re S.L.M.* at 295 -296.

Tenn. Code Ann. §§ 37-1-103 and 104 address the original and concurrent jurisdiction of the juvenile courts. No provision in these statutes provides the juvenile courts with jurisdiction over the suit before us which was brought under 42 U.S.C.A. § 1983 for civil rights violations. The Court in *White v. State ex rel. Armstrong*, No. M1999-00713-COA-R3-CV, 2001 WL 134601 (Tenn. Ct. App. Feb. 16, 2001) specifically stated that while state courts unquestionably have jurisdiction to adjudicate 42 U.S.C.A. § 1983 claims, *White* at \*4 (citing *Poling v. Goins*, 713 S.W.2d 305, 306 (Tenn.1986)), juvenile courts are courts of limited jurisdiction and there is no Tennessee statute empowering a juvenile court to adjudicate 42 U.S.C.A. § 1983 claims. *White* at \*4. The court in *White* concluded that "while these [Section 1983] claims may be pursued in the circuit or chancery courts, they may not be pursued in the juvenile courts."

Based upon the holding in *White* and the lack of any statutory authority granting the juvenile courts of Tennessee subject matter jurisdiction over a 42 U.S.C.A. § 1983 suit, the Juvenile Court did not err when it dismissed the Section 1983 suit for lack of subject matter jurisdiction.

We affirm the Judgment of the Trial Court and the other issues raised by the appellant are moot.

We remand, with the cost of the appeal assessed to Claude L. Glass.

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HERSCHEL PICKENS FRANKS, P.J.